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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Olen W. Bryant, Jr. et al.
Serial Number : 10/655,115
Filed : September 4, 2003
Art Unit : 3711
Examiner : Michael S. Chambers

PETITION UNDER 37 CFR 1.37(a)

Mail Stop PETITIONS
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for reconsideration of the dismissal decision mailed February 17, 2006 of the Petition filed January 4, 2006, a copy of which is attached. The Petition was dismissed because only \$350.00 of the Issue Fee was submitted. The balance of the Issue Fee due is \$350.00.

Applicant's attorney encloses a check in the amount of \$350.00 to pay the balance of the Issue Fee due of \$350.00.

Respectfully submitted,

Charles Y. Lackey
Charles Y. Lackey
Attorney for Applicant

Date: 2-26-2006

03/03/2006 TBESHAH2 00000009 10655115

01 FC:2501

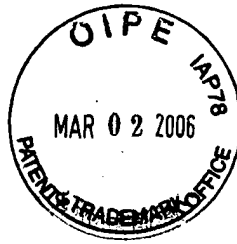
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Adjustment Date: 03/03/2006 TBESHAH2
01/06/2006 TBESHAH2 00000091 10655115
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OFFICE OF PETITIONS

**DECISION DISMISSING
PETITION**

In re Application of
Bryant, et al.
Application No. 10/655,115
Filed: September 4, 2003
Attorney Docket No. N/A
FOR: ADJUSTABLE AND PORTABLE SOCCER
GOAL AND MOLDED JOINT CONNECTORS
ASSOCIATED THEREWITH

This is a decision on the reconsideration petition under 37 CFR 1.137(a), filed January 4, 2006, to revive the above-identified application.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137(a)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely reply to Notice of Allowance and Fee(s) Due and Notice of Allowability, mailed February 4, 2005, which set a non-extendable period for reply of three (3) months. Having received no reply, the Office deemed this application abandoned on May 5, 2005. A Notice of Abandonment was mailed on October 18, 2005.

Petitioners state that the delay was unavoidable because the Notice of Allowance and Fee(s) Due and the Notice of Allowability mailed on February 4, 2005 were not received at the correspondence address of record until an Office employee faxed it in October of 2005.

With the instant reconsideration petition, petitioners have established that the Notice of Allowance and Fee(s) Due and the Notice of Allowability were not received at the correspondence address of record. In addition, the corrected formal drawings filed on January 4, 2006 have been accepted by the draftsman. However, the petition is not grantable.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof; (2) the petition fee as set forth in § 1.17(l); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

This petition does not satisfy requirement (1).

With respect to (1), petitioners have not submitted the full issue fee. The small entity issue fee due is \$700.00. Petitioners have submitted only \$350.00 towards the \$700.00 issue fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.



E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy